

# **Schedule 45-4**

## **DEPARTMENT OF LABOR OFFICE OF LEGAL COUNSEL AND LEGISLATIVE AFFAIRS OCTOBER 17, 2007**

Nebraska Records Management Division  
440 South 8<sup>th</sup> Street, Suite 210  
Lincoln, NE 68508  
(402) 471-2559

**REQUEST FOR APPROVAL  
OF RECORDS RETENTION  
AND DISPOSITION SCHEDULE**

SCHEDULE

**45-4**

AGENCY, BOARD OR COMMISSION

**Department of Labor**

DIVISION, BUREAU OR OTHER UNIT

**Office of Legal Counsel and Legislative Affairs**

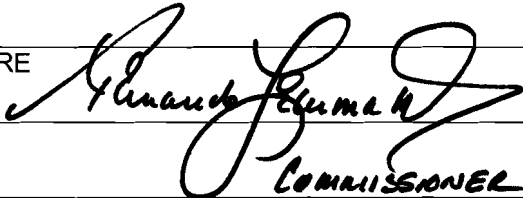
**Supersedes Edition of May 22, 1996**

**TO: STATE RECORDS ADMINISTRATOR  
STATE OF NEBRASKA**

**PART I -- AGENCY STATEMENT**

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE

  
COMMISSIONER

TITLE

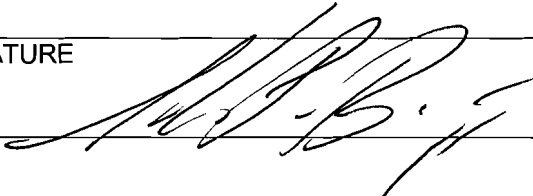
DATE

10/12/07

**PART II - ARCHIVAL APPROVAL**

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE



STATE ARCHIVES

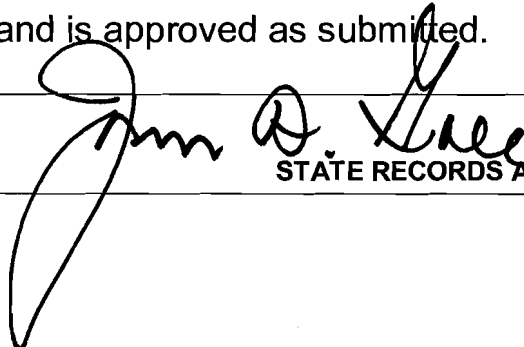
DATE

11/10/07

**PART III -- APPROVAL BY STATE RECORDS ADMINISTRATOR**

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE

  
STATE RECORDS ADMINISTRATOR

DATE

10/17/07

## **INSTRUCTIONS FOR USING THIS SCHEDULE**

Records retention and disposition schedules are designed to serve as your records management guidelines for storing and disposing of agency records, ***regardless of the media on which they reside***, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. These retention schedules, which are approved by the State Records Administrator, provide your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

### **DISPOSING OF RECORDS**

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

**Please remember to retain the blank form for future use.**

### **NON-SCHEDULED RECORDS**

Contact a Records Management Consultant in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

### **SCHEDULE UPDATE**

It is the responsibility of each agency to periodically update their schedule. A Records Management Consultant in Records Management can assist you with the schedule update, which involves adding new records and making revisions to existing items. Keeping your schedule current will ensure that you have the ongoing authority to discard records when their useful life has ended.

### **QUESTIONS**

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Consultant in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center or State Archives, microfilming records, scanning records, etc.

**Records Management Division  
440 South 8th Street, Suite 210  
Lincoln, NE 68508-2294  
402-471-2559**

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## **SCHEDULE 45-4 – DEPARTMENT OF LABOR-OFFICE OF LEGAL COUNSEL AND LEGISLATIVE AFFAIRS**

### **45-4-1 ADMINISTRATIVE HEARINGS**

Unofficial records of NDOL administrative hearings. Each file includes correspondence, notices, and decisions. The official record is owned by the Nebraska Appeal Tribunal.

**ORIGINAL RECORD:** Scan to CD; dispose of 1 year after final disposition.

**SECURITY CD:** Retain at the State Records Center; dispose of after 4 years.

**CD WORK COPY:** Dispose of after 4 years.

### **45-4-2 ADVISORY COUNCIL MEETINGS**

Records of all Advisory Council meetings. Each file includes notices, correspondence, agendas, meetings materials, minutes and tape recording of meeting.

**ORIGINAL RECORD:** Scan to CD; transfer to State Archives after 4 years.

**AUDIO RECORDINGS:** Dispose of after 4 years.

**SECURITY CD:** Retain at the State Records Center; transfer to State Archives after 4 years.

**CD WORK COPY:** Dispose of after 4 years.

### **45-4-3 AGREEMENTS AND CONTRACTS**

Contracts entered into between the Department of Labor and other entities.

**ORIGINAL RECORD:** Transfer to State Records Center after 1 year. Dispose of 5 years after completion, fulfillment, or voiding of contract, subject to review by the State Archives for possible accession.

### **45-4-4 BANKRUPTCIES**

Bankruptcy documents and pleadings filed in US Bankruptcy Courts on employers, businesses and claimants who have filed for bankruptcy and owe the Nebraska Department of Labor unemployment taxes, unemployment benefits, or other fees.

**ORIGINAL RECORD:** Forward to Department of Labor, Program Division 30 days after bankruptcy court closes its file.

### **45-4-5 CORRESPONDENCE AND MEMOS**

Correspondence and memos regarding the day to day operations of the Department of Labor, including requests for the release of information.

**ORIGINAL RECORD:** Transfer to the State Records Center after 2 years; dispose of after 8 years.

### **45-4-6 HUMAN RELATIONS ISSUES**

Personnel Board grievances, Union grievances, NEOC and EEOC complaints and related documents.

**ORIGINAL RECORD:** Transfer to the State Records Center after 2 years; dispose of after 5 years.

### **45-4-7 LEGISLATION**

Proposed and adopted legislation, including notes and correspondence pertinent to the bills.

**ORIGINAL RECORD:** Scan to CD and dispose of paperwork after the close of the 2<sup>nd</sup> session or subsequent special session.

**SECURITY CD:** Retain at the State Records Center; dispose of after 10 years.

**CD WORK COPY:** Dispose of after 10 years.

#### **45-4-8 LIENS**

Liens filed on employers, businesses and individuals for delinquent unemployment taxes. Original filings are maintained by the Secretary of State, Nebraska County Courts, and Nebraska Register of Deeds.

**ORIGINAL RECORD: Forward to Department of Labor, Program Division upon release, termination or expiration of lien.**

#### **45-4-9 LITIGATION-BENEFITS**

Pleadings and documents on appeal from decisions of the Nebraska Appeal Tribunal regarding an individual's right to unemployment benefits. Official record is on file with various Nebraska courts.

**ORIGINAL RECORD: Scan to CD; dispose of 1 year after final disposition.**

**SECURITY CD: Retain at the State Records Center; dispose of after 4 years.**

**CD WORK COPY: Dispose of after 4 years.**

#### **45-4-10 LITIGATION-COLLECTIONS**

Pleadings and documents on appeal in courts throughout Nebraska concerning the collection of overpaid unemployment benefits or delinquent unemployment taxes. Official record is on file with various Nebraska courts.

**ORIGINAL RECORD: Scan to CD; dispose of 1 year after final disposition.**

**SECURITY CD: Retain at the State Records Center; dispose of after 4 years.**

**CD WORK COPY: Dispose of after 4 years.**

#### **45-4-11 LITIGATION-TAX**

Pleadings and documents on appeal from decisions of the Nebraska Appeal Tribunal concerning an employer's tax account. Official record is on file with various Nebraska courts.

**ORIGINAL RECORD: Scan to CD; dispose of 1 year after final disposition.**

**SECURITY CD: Retain at the State Records Center; dispose of after 4 years.**

**CD WORK COPY: Dispose of after 4 years.**

#### **45-4-12 LITIGATION-MISCELLANEOUS (FORECLOSURES, PERSONNEL ISSUES, ESTATE CLAIMS, SUBPOENAS, ETC.)**

Pleadings and documents regarding various litigation issues affecting the Department of Labor on file throughout various Nebraska courts and federal courts. Official record is on file with various Nebraska courts.

**ORIGINAL RECORD: Scan to CD; dispose of 1 year after final disposition.**

**SECURITY CD: Retain at the State Records Center; dispose of after 4 years.**

**CD WORK COPY: Dispose of after 4 years.**

#### **45-4-13 NATIONAL AND REGIONAL TRANSMITTALS (PROPOSED AND CERTIFIED)**

Copies of court decisions regarding benefit appeals, passed legislative bills, and regulatory proposals and adoptions. Federal Form MA 8-7 and attached documents are used for certified correspondence. Federal Form MA 4-104A and attached documents are used for proposed correspondence.

**ORIGINAL RECORD: Dispose of 3 years after transmittal.**

#### **45-4-14 REGULATIONS**

Regulatory changes on behalf of the Department of Labor, including correspondence, hearing notices, recordings, etc. Official record is on file with the Secretary of State.

**ORIGINAL RECORD: Maintain one originally signed regulation permanently.**

**Dispose of remaining paperwork after 4 years.**

**AUDIO RECORDINGS: Dispose of after 4 years.**

## RECORDS DISPOSITION REPORT

<b>TO: SECRETARY OF STATE</b> <b>RECORDS MANAGEMENT DIVISION</b> <b>440 S. 8<sup>TH</sup> STREET SUITE 210</b> <b>LINCOLN, NE 68508-2294</b>	AGENCY
	DIVISION
	SUB-DIVISION

### REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

### OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

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DATE	SIGNATURE
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**SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.**

RMA 03006D

## **VOLUME ESTIMATING GUIDE**

**(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK  
ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS  
ADEQUATE.)**

Vertical File Cabinet, 4 drawer letter-size .....	6 cubic feet
Vertical File Cabinet, 4 drawer legal-size.....	8 cubic feet
Lateral File, 4 drawer/shelf letter-size .....	9 cubic feet
Lateral File, 4 drawer/shelf legal-size.....	12 cubic feet
Records center carton.....	1 cubic foot
About a pickup load.....	50 cubic feet